UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,760	04/30/2001	Lawrence M. Besaw	10006612-1	9179

7590   11/21/2006

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EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/843,760	BESAW, LAWRENCE M.
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 September 2006</u>.
2a) ☐ This action is **FINAL**.　　　2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>21-53</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>21-53</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All　b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)　Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)　　　　　　Office Action Summary　　　　　　Part of Paper No./Mail Date 8

DETAILED ACTION

1>   This action is in response to Applicant's request for continued examination. Claims

21, 26, 41 and 42 are amended. Claims 21-53 are presented for further examination.

2>   This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3>   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant

to 37 CFR 1.114. Applicant's submission filed on 9.5.2006 has been entered.

Response to Arguments

I.   <u>APPLICANT'S ARGUMENTS HAVE BEEN CAREFULLY CONSIDERED BUT ARE NOT
PERSUASIVE.</u>

Applicant argues in substance: (A) suggests that Dobbins' might not be entitled to the

priority date of its provisional application; and (B) that there is no proper motivation to

combine Dobbins' and Lim. Applicant's arguments are unpersuasive for the following

reasons.

        A.   <u>Dobbins is entitled to the priority date of its provisional application because
the subject relied upon to make rejection is supported by the provisional
application.</u>

Dobbins is entitled to the priority date of its provisional application. The 35 U.S.C.

102(e) critical reference date of a U.S. application publication entitled to the benefit of the

filing date of a provisional application under 35 U.S.C. 119(e) is the filing date of the

provisional application if the provisional application(s) properly supports the subject matter

relied upon to make the rejection in compliance with 35 U.S.C. 112, first paragraph. MPEP

§2163.03(III).

Here, the subject matter relied upon to make the rejection is properly supported by the

provisional application in compliance with 35 U.S.C §112, first paragraph. For example, with

respect to claim 21, the Office relied upon subject matter relating to security policies and

subscriber profiles that created a network resources portal for that specific subscriber.

Dobbins' provisional application discloses this subject matter throughout the disclosure in

both an enabling manner and in a manner that conveys to one of ordinary skill in the art that

they properly owned the invention [pg. 3, ¶¶3-4 | pgs. 74-87, the page starting with

"Directory-enabled Applicant and Network Service Portal"].

With respect to claim 26, the Office relied upon subject matter relating to a

configuration database, modules designed to provide a specific portal display, display filters

and generating a portal display based on application of a security and display filter. Again,

Dobbins' provisional application provides ample written description and enablement for the

relied upon subject matter [pgs. 74-87 : see specifically sections entitled "Overview",

"Authentication", "Portal Creation and Rendering"].

As Dobbins' provisional application properly supports the relied upon subject matter,

the critical reference date of Dobbins' application publication date is filing date of the

provisional application. For the purposes of this action and all subsequent actions, the Office

will reference Dobbins' application publication.

B.   The motivation to combine Dobbins, Lim and Rangarajan come from the
       nature of the problem to be solved and the teachings of the prior art.

As understood by the Office, Applicant sets forth three primary arguments as to why

there is no proper motivation to combine the references: (1) the "nature of the problem to be

solved" motivation is insufficient because the nature of the problem to be solved must relate

to Applicant's invention (2) there is no motivation to combine the references in the manner

claimed; and (3) the Office failed to supply a proper motivation to combine Dobbins, Lim

and Rangarajan. The Office disagrees for the following reasons.

1.   The nature of the problem to be solved in the combination of Dobbins
       and Lim is related to Applicant's invention.

Applicant argues that the Office has improperly relied upon a "nature of the problem

to be solved" motivation to combine Dobbins and Lim because the problem to be solved

(control and access of resources to customers) is unrelated to the concept of partitioned

networks. However, the Office submits that the nature of the problem to be solved in

Dobbins and Lim are related to Applicant's invention.

Lim is relied upon to teach the concept of partitioned networks. Generally, Lim is

directed towards service management [column 1 «lines 6-9»]. Lim discloses that partitioned

networks not novel and, indeed, are well known in the art [column 1 «lines 25-30»].

Partitioning networks enables an administrator to efficiently manage resources and

customers. [column 1 «lines 28-30»]. Networks are generally partitioned which create

individual networks for each customer; the benefit of this function is to "provide a more

service oriented view of the network, characterized on the NMS by the subscribed services

and the access points in and out of the network for a particular customer" [column 1 «lines

45-48»]. As interpreted by the Office, Lim teaches the ability to partition networks for each

particular customer in the network to make it easier for the service provider to control and

manage the overall network.

Dobbins did not expressly disclose partitioning networks but, like Lim, is directed

towards a service management invention [Dobbins, 0009]. Dobbins discloses a goal of his

invention is to provide an efficient means of managing network resources. In this aspect,

both Dobbins and Lim are both directed towards the same problem – how to provide to an

administrator the best means to manage and control the resources and services that are

provided to their subscribers. To this end, Lim utilizes partitioned networks because, as

discussed, it provides a more service-oriented view of the network which makes it easier for

an administrator to manage resources and its customers. Based on this expected benefit, it

would have been obvious to incorporate Lim's teaching of a partitioning networks into

Dobbins' service management system.

In sum, as the Applicant's invention is directed, in part, to using partitioned networks

allocated to a customer for providing management information, and Lim discloses

partitioned networks allocated to a customer for providing management information [see

Lim, column 2 «lines 6-11»], Lim is very much related to Applicant's invention. The nature

of the problem to be solved found in the combination of Lim and Dobbins is entirely related

to Applicant's invention.

        2.   Lim is discloses the feature of a partitioned network in the manner
claimed by Applicant.

Applicant argues that even if Lim does teach partitioned networks that such a
teaching merely suggests using Lim's network and is not a motivation to combine Lim with
Dobbins in the manner claimed. The strongest rationale for combining references is a
recognition, expressly or impliedly in the prior art that some advantage or expected
beneficial result would have been produced by their combination. In re Sernaker, 702 F.2d
989, 994-95 (Fed. Cir. 1983). The Office submits that Lim's teachings of partitioned networks
impliedly provide the motivation to combine the references.

As discussed above, Lim discloses partitioned networks as well as a variety of benefits
that arise from partitioning networks for specific customers. Lim thus discloses partitioned
networks in the manner claimed by Applicant. Since Lim and Dobbins are both related to
providing a means to manage and access network resources to subscribers, one of ordinary
skill in the art would have relied upon Lim's disclosure to implement partitioned networks
into Dobbins' system for the benefits previously discussed.

Applicant also argues that the cited sections in Lim do not provide any motivation.
However, the motivation to combine is implied by Lim's express recognition of the benefits
of a partitioned network: efficient management of resources and customers and providing a
more service-oriented view of the network. Therefore, there would be a clear expected
beneficial result in combining Lim and Dobbins to teach the invention in the manner
claimed by Applicant.

> 3.   The motivation to combine Dobbins and Rangarajan comes from the
>   Rangarajan reference.

Applicant argues that there is no proper motivation to combine Rangarajan with

Dobbins and Lim. Applicant also asserts that there must not only be proper motivation to

combine Rangarajan and Dobbins, but proper to motivation to combine Rangarajan and Lim

as well. The Office disagrees.

As to the second point, there is no statutory requirement that there must be

motivation to combine secondary references. The consideration under a §103 rejection is how

to combine the primary reference with the secondary references. As to Applicant's first point

that there is no motivation to combine Rangarajan, the Office submits that Rangarajan

impliedly recognizes an expected benefit from combining with Dobbins.

Like Dobbins and Lim, Rangarajan is directed towards an invention that provides

tools to an administrator to manage and control how network resources are presented to a

user [column 7 «lines 25-41»]. Rangarajan discloses that the benefit of his invention is to

"generate[s] a GUI tailored to the user's needs with respect to a particular problem domain"

[column 1 «lines 61-62»]. Part of the tools disclosed include Applicant's claimed alarm,

topology and network health modules.

With respect to this feature, Dobbins discloses "a graphical user interface that helps

the administrator maintain the system" [0029]. It thus would have been obvious to one of

ordinary skill in the art to incorporate Rangarajan's teachings to improve Dobbins' GUI by

enabling an administrator using Dobbins' system to customize his GUI with various

network management tools such as alarms or topology. This expected benefit of being able to

customize the GUI that manages the network is impliedly recognized in Rangarajan. Thus,

Rangarajan's acknowledgement of the expected benefit provides the motivation to combine

Dobbins' and Rangarajan.

II.   DOBBINS AND LIM DISCLOSE THE AMENDED LIMITATION OF DISPLAYING ON-LINE
        SERVICE INFORMATION THAT COMPRISES NETWORK MANAGEMENT INFORMATION
        REGARDING THE NETWORK RESOURCES.

Applicant's amendment does not distinguish the claimed invention over the prior art.

Applicant amends the independent claims to recite a feature that the displayed on-line

service information comprises network management information, such as network

monitoring information, diagnostic information, alarms or network health information,

regarding network resources. The Office submits that both Dobbins and Lim discloses the

.amended limitation.

Lim discloses that one aspect of his invention allows customers "the ability to *monitor*

and manage their outsourced network resources in much the same way as they manage their

in-house resources, giving them control of their VPNs" (emphasis added) [column 2 «lines

8-11»]. Lim further discloses "[a] network management system [that] allows an operator to

configure the network in accordance with specific requirements" [column 3 «lines 7-9»].

Using Applicant's own interpretation of network management information (network

monitoring), Lim impliedly discloses a system that provides network monitoring

information for its customers. That is, since Lim discloses a system that provides customers

the ability to monitor network resources, it necessarily follows that they are first provided

with monitoring information.

Moreover, Dobbins also impliedly discloses providing network management

information regarding network resources. Dobbins expressly discloses:

"[m]onitoring services are also made available to the system administrators who may then use the services to observe the *operating performance* of the system from time to time. The services *present statistics and other data* through a graphical user interface that helps the administrator maintain the system" (emphasis added) [0028].

Dobbins therefore discloses providing network management information, in the form of network monitoring information such as operating performance and statistics. Dobbins and Lim both disclose the amended limitations as claimed.

III.   CONCLUSION

For the foregoing reasons, Applicant's arguments are not persuasive and Applicant's amendments do not overcome the prior art references. The rejections set forth in the previous actions are maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4>   This rejection will only formally address those claims that have been amended by Applicant in the most recent amendment, filed 9.5.2006. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action, see non-final rejection filed 12.22.2006 and final rejection filed 6.9.2006.

5>   Claims 21, 22, 26-28, 30, 32, 37-39, 41-43, 45, 47, 52 and 53 are rejected under 35 U.S.C §

103(a) as being unpatentable over Dobbins et al, U.S Patent Publication No. 2002|0066033

["Dobbins"], in view of Lim.

6>   As to claim 21, Dobbins discloses a method for filtering on-line service information

provided through a management portal to a customer of customized network services

provided by resources of a service provider network, comprising:

applying to said service provider network a security filter definable by service

provider and not the customer,. said security filter corresponding to the customer and

specifying the network resources allocated to that customer [0009, 0024, 0043 where :

Dobbins discloses policies controllable by the administrator that determine which content

and network resources a particular subscriber has access];

applying a display filter to resources of the service provider network not excluded by

said security filter, said display filter specifying network resources for which the on-line

service information is desired by the customer [0023, 0024, 0026 : after applying the

authentication policy, Dobbins' system applies the subscriber's profile to further refine which

content and services that the user desires]; and

executing at least one management information module to generate a portal display of

on-line service information, wherein said at least one management information module

operates only on those network resources of said service provider network which have not

been excluded by said security filter and said display filter [0025, 0036, 0037 where : Dobbins'

renderer delivers a portal containing the data and content refined by the user policies], and

wherein the displayed on-line service information comprises network management information regarding the network resources not excluded by said security filter and display filter [0028 : see response above for discussion].

Dobbins does disclose a service provider network, but does not to expressly disclose the service network or the resources are included in a partitioned network.

7> In a similar field of invention, Lim is directed towards a system enabling a service provider to manage its services partition its network resources into different networks associated with different customers [column 1 «lines 37-62» | column 20 «lines 61-62»]. Lim discloses network resources of a partitioned network allocated to a customer with the partitioned network including at least a portion of said service provider network [column 25-29» | column 21 «lines 28 and 46-64» | column 22 «lines 24-40»]. In other words Dobbins discloses an invention that enables management and monitoring of network resources. Lim discloses an invention that enables management and monitoring of network resources utilizing a partitioned network for each customer. Lim discloses that benefits of partitioning networks includes providing a more service-oriented view and enabling more efficient management of resources.

Thus, it would have been obvious to one of ordinary skill in the art to modify Dobbins' management system to include the partitioned networks taught by Lim. As discussed, incorporating partitioned networks would provide an expected benefit to Dobbins by providing a service provider the ability to divide network resources and allocate them to

customers. The combination of Dobbins and Lim discloses Applicant's invention in the

manner claimed.

8>   As to claim 26, Dobbins discloses a method for filtering on-line service information

presented through a management portal to a customer of customized network services

provided by resources of a service provider network, comprising:

storing, in a configuration database accessible by a service provider and not the

customer, security filters each specifying network resources of a partitioned network

allocated to a corresponding customer [0010, 0017, 0023];

providing a plurality of modules each configured to provide a respective portal display

of on-line service information [0021, 0024, 0027];

storing, in a filter library accessible to the customer, display filters each configured to

specify customer-selected network resources to which selected ones of said plurality of

modules it to be applied [0010, 0017, 0023, 0036];

displaying a portal display of on-line service information generated from application

of one of said plurality of modules to network resources resulting from application to the

service provider network of a security filter corresponding to the customer and at least one

said display filters [0009, 0010, 0017, 0023, 0036, 0037], and wherein the displayed on-line

service information comprises network management information regarding the network

resources not excluded by said security filter and display filter [0028 : see response above for

discussion].

Dobbins does not expressly disclose partitioning the service provider network into a plurality of partitioned networks nor does he disclose allocating one of said partitioned networks to the customer.

9>   In a similar field of invention, Lim is directed towards a system enabling a service provider to manage its services partition its network resources into different networks associated with different customers [column 1 «lines 37-62» | column 20 «lines 61-62»]. Lim discloses network resources of a partitioned network allocated to a customer with the partitioned network including at least a portion of said service provider network [column 25-29» | column 21 «lines 28 and 46-64» | column 22 «lines 24-40»]. In other words Dobbins discloses an invention that enables management and monitoring of network resources. Lim discloses an invention that enables management and monitoring of network resources utilizing a partitioned network for each customer. Lim discloses that benefits of partitioning networks includes providing a more service-oriented view and enabling more efficient management of resources.

Thus, it would have been obvious to one of ordinary skill in the art to modify Dobbins' management system to include the partitioned networks taught by Lim. As discussed, incorporating partitioned networks would provide an expected benefit to Dobbins by providing a service provider the ability to divide network resources and allocate them to customers. The combination of Dobbins and Lim discloses Applicant's invention in the manner claimed.

10>   As to claim 41, as it does not teach or further define over the claimed limitations, it is similarly rejected for the reasons set forth for claims 21 and 26.

11>   Claims 23-25, 31, 33-36, 46 and 48-51 are rejected under 35 U.S.C § 103(a) as being unpatentable over Dobbins and Lim, in further view of Rangarajan et al, U.S Patent No. 6.275.225, ["Rangarajan"].

12>   Claims 29 and 44 are rejected under 35 U.S.C § 103(a) as being unpatentable over Dobbins and Lim, in further view of Teijido et al, U.S Patent No. 2002|0053020 ["Teijido"].
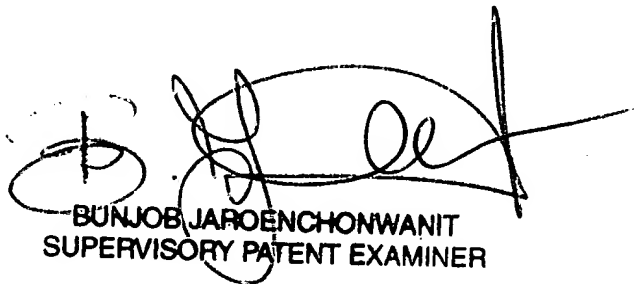
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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OR CANADA) or 571-272-1000.

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